
APPENDIX

Authorization for the Committee from S.L. 2008-181:

PART XLII. STUDY THE IMPACT OF PARTITION SALES OF REAL PROPERTY ON THE ECONOMIC USE AND LOSS OF HEIR PROPERTY AND FARMLAND BY HEIRS IN NORTH CAROLINA (H.B. 1527 – Bryant, Farmer-Butterfield, Allen, Harrison)

SECTION 42.1. There is created the Partition Sales Study Committee to address the issue of the impact of the partition sale procedures on the economic use and loss of heir property and farmland by heirs in North Carolina.

SECTION 42.2. The Committee shall be comprised of 18 members as follows:

- (1) Nine members appointed by the Speaker of the House of Representatives as follows:
 - (a) Five members of the House of Representatives.
 - (b) A Clerk of Superior Court.
 - (c) Three members of the public with an expertise or stakeholder interest in the issue.
- (2) Nine members appointed by the President Pro Tempore of the Senate as follows:
 - (a) Five members of the Senate.
 - (b) A Clerk of Superior Court.
 - (c) Three members of the public with an expertise or stakeholder interest in the issue.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair of the Committee. A quorum of the Committee shall be a majority of its members. The Committee shall meet upon the joint call of the cochairs.

SECTION 42.3. The Committee shall study the laws and procedures concerning partition sales in North Carolina and how these laws affect landowners in the State, examining both the effectiveness and equity of the current law and exploring potential alternatives. Specifically, the Committee shall:

- (1) Review information about partition sales and examine current trends in partition sales in the State, especially related to sales initiated by strangers in interest to heirs or related cotenants.
- (2) Analyze research and information from North Carolina and other states and jurisdictions regarding the effect of partition laws on desired land retention and economic development.
- (3) Analyze information concerning the comparative frequency of partition sales vs. partition-in-kind in North Carolina.
- (4) Identify and assess alternative partition sales laws from other states.
- (5) Explore how best to balance competing interests of the tenants in common in the partition sales context.
- (6) Identify and consult with academics who have studied partition sales nationally to determine their recommendations concerning best practices in partition proceedings.
- (7) Identify current barriers to the adoption of best practices recommendations and to alternative laws adopted by other states and potential options to address these barriers.
- (8) Prepare a report with a statement of the issues and a summary of the research including the Committee's recommendations concerning any needed